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**THE ROLE OF THE ARMY NATIONAL GUARD IN HOMELAND
DEFENSE**

BY

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ABSTRACT

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Since its beginning over 360 years ago, the role of the Army National Guard has been a dual one. This duality manifests itself in state and federal functions. These dual functions should not impede the Guard's ability to play a significant role in homeland defense. Because of the terrorist attacks on 11 September 2001, the role of the Army National Guard in homeland defense should be fully explored.

This study examines the threats to the homeland and the role the Army National Guard in protecting the nation from these threats.

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THE ROLE OF THE ARMY NATIONAL GUARD IN HOMELAND DEFENSE

A nation can survive its fools, and even the ambitious, but it cannot survive treason from within. An enemy at the gates is less formidable, for he is known and carries his banners openly. But the traitor moves among those within the gates freely...his sly whispers heard in the very hall of government itself. For the traitor appears to be no traitor, he speaks in accents familiar to his victims...and he appeals to the baseness that lies deep in the hearts of all men. He rots the soul of a nation. He works secretly and unknown in the night...to infect the body politic so it can no longer resist.

—Marcus Tullius Cicero, 106-43 BC

The words of Cicero seem apropos during these perilous times. The federal, state, and local governments must be vigilant. Coordination and cooperation at all levels of government must be paramount in ensuring the defeat of the terrorist enemy from within and outside of our borders.

With the recent terrorist attack, the term terrorism has become a part of the active vocabulary of most Americans. But what is terrorism? The Department of Defense definition of terrorism is “the calculated use of violence or the threat of violence to initiate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.”¹

At the end of the Cold War, the United States has increasingly become concerned with new types of threats, including potential use of rogue state missiles, terrorism at home, weapons of mass destruction, and information warfare (cyber-war). These threats are designed to counter unquestioned American military superiority by exploiting key American vulnerabilities and weaknesses—often abroad, but increasingly at home.²

Several prominent terrorist incidents, directed towards the United States, occurred in the final decade of the Twentieth Century. These include: the World Trade Center bombing (1993), the bombing of the federal building in Oklahoma City (1995), the Khobar Towers bombing in Saudi Arabia (1996), U.S. Embassy bombings in East Africa (1998), and the attack on the U.S.S. Cole (2000).³

In the Twenty-First Century, a threat to the domestic tranquility of the United States of America emerged. This threat manifested itself in the form of the dastardly attack of 11 September 2001 in the continental United States. This attack was asymmetrical in its method of operation. An asymmetrical attack refers to one which is guerrilla and unconventional.⁴ The terrorists' flying of airplanes into buildings and committing suicide, which occurred on 11 September 2001, was asymmetrical and a new development for the country.

In the aftermath of this terrorist attack, this author raises questions as to the role of the Army National Guard in the homeland defense of the nation. Would the Army National Guard continue to have its traditional role as a strategic reserve for the Total Army? Would the primary mission of the Army National Guard change to homeland defense, thereby eliminating the warfighting mission or weakening it? These and other questions are coming to the forefront for the Army National Guard and the Department of Defense to explore and research for answers.

This research paper will address those questions and focus on the state, federal, and homeland defense missions of the Army National Guard. It will inspect the background establishing the Army National Guard from a constitutional and statutory perspective. The immediate consequence management response to the attack of 11 September 2001 will be explored. This report will also examine the Army National Guard's response to potential threats. These threats include: missiles, computer network attack, and weapons of mass destruction.

This report will examine the term, homeland defense. What exactly does it mean? This would seem to be a relatively easy answer. But, is it? The definition of homeland defense will be examined.

WHAT IS HOMELAND DEFENSE?

Currently, no officially approved Department of Defense definition exists for homeland defense. However, there are several unofficial definitions. When defining homeland defense, certain other pertinent words are often used in formulating the definition. These words are

homeland security and civil support. Not having an approved definition for homeland defense could pose problems in missioning and funding in the future. This could especially impact the Army National Guard.

The term homeland defense was first used in the 1997 Report of the National Defense Panel, and is generally the preferred term in the civilian community. However, many in the Department of Defense now argue that homeland defense is merely a subset of homeland security. Much credit for DoD's engagement in the definitional issue goes to the USAF Assistant Vice Chief of Staff, Lt. Gen William J. Begert, the USAF Quadrennial Defense Review Office, and CDR Mike Dobbs from the Joint Staff.⁵

The aforementioned Commander Dobbs published an article defining homeland security. He said, "a working definition of homeland security might be: the prevention, deterrence, and preemption of, and defense against, aggression targeted at the U.S. territory, sovereignty, population, and infrastructure as well as the management of the consequences of such aggression and other domestic emergencies."⁶

Commander Dobbs further separated the homeland security mission of the military into two parts: homeland defense and civil support. His definitions are as follows:

Homeland Defense missions include fairly traditional warfighting tasks where DoD often plays a leading role. A rough definition of homeland defense might be: "The prevention, preemption, and deterrence of, and defense against, direct attacks aimed at the U.S. territory, population, and infrastructure." The performance of these missions requires only limited cooperation with agencies outside of DoD. Deterring, preventing, and defeating aggression against the U.S. and its citizens as well as national missile defense and the defense of the maritime, land and aerospace approaches to the United States all fit fairly well into this subset of homeland security. The military's involvement varies according to the particular homeland defense mission; DoD will have the lead and act with great autonomy for any deployed national missile defense but will work with a variety of other federal organizations (e.g. intelligence agencies, the FBI, and the Department of State) to deter and prevent terrorist attacks against the U.S. homeland.

Civil Support missions are support tasks where the military is not the lead, but instead provides assistance to designated civilian authorities and agencies on either a case-by-case basis or a continuing basis. A working definition of civil support: "DoD support to civilian authorities for natural and manmade domestic emergencies, civil disturbance, and designated law enforcement efforts." Examples of the assistance provided in this area include surge manpower for domestic emergencies, technical advice, transportation, specialized equipment, intelligence and threat assessments, and custody, transportation and disposal of

chemical, biological, radiological, nuclear, and explosives (CBRNE) devices. The civil support tasks are not “traditional” warfighting missions and include consequence management, disaster relief, responding to civil disturbances, counterdrug operations, small scale counterterrorism efforts, and supporting the defense of America’s critical infrastructures. These missions involve more complex chains of command, are governed by legal regimes other than the law of war, and require close coordination with interagency and state and local officials. The operational environment, as well as doctrine and training for civil support missions differ from military missions that are primarily focused on the application of force or deterring and preventing attack. The synergy and commonality associated with many of these missions may allow many of them to be grouped and executed effectively by the same organization.⁷

Commander Dobbs’ definitions are very encompassing and appear to touch on all aspects of homeland security. On his definition of homeland defense, he believes limited cooperation is needed with the federal agencies outside of the Department of Defense. On that issue, one might differ with him on that point because more cooperation is needed with the FBI and CIA. Close cooperation of all these agencies enhances greatly the chances for successful prevention, preemption, deterrence of, and defense against a direct attack on the United States. He seems to contradict himself on the role of the other federal agencies like the FBI, intelligence agencies, and the State Department under his homeland defense definition by saying they will work with the Department of Defense. The complex nature of defining homeland defense and related terms is evident.

Additionally, the Army has a definition for homeland security. The Honorable Thomas White, Secretary of the Army and the Department of Defense’s interim executive agent for homeland security, defined the term by saying:

I define and view homeland security as having two principal elements. First there is homeland defense, a Department of Defense-led task involving protection of the United States in every dimension—land, sea, aerospace and protection from computer network attack. Second is civil support, where DoD provided assistance to a lead federal agency, which can range from the FBI for domestic counter-terrorism tasks to health and human services for biological attacks.⁸

Secretary White’s definition is more specific and limiting in terms of the scope of activities than Commander Dobbs’. They both see homeland defense falling under the general heading of homeland security. Their definitions are also similar in that they include maritime, land, and

aerospace under the heading of homeland defense. From the civil support perspective, Commander Dobbs mentioned interagency support and assistance without naming a specific federal agency as Secretary White did.

For the Army National Guard and the National Guard Bureau, defining homeland defense, homeland security, and civil support could be very significant. Defining these terms provides the framework for determining what tasks or missions the Army National Guard could be assigned.

Lt. Gen Russell Davis, Chief of the National Guard Bureau, has examined these terms from the Guard's perspective. The Chief said at the Chairman's Reserve Components Conference, "we are working on an articulate definition of homeland security as it relates to the National Guard."⁹ Lt. Gen Davis also said:

We think homeland security in a Guard context includes a response to weapons of mass destruction, including biological and chemical agents. We believe it is linked to air defense, air sovereignty of our nation, and protection against the threat of rogue missiles. We would add countering drugs as a piece of the threat to our citizen's security. Information operations are another important facet of the issue.¹⁰

The developing of definitions for homeland security and homeland defense along with any related terms is an issue that should provoke keen attention from the Army National Guard. The implications and ramifications for the Army National Guard are unclear even with approved definitions. The Hart-Rudman Commission stated, "The Department of Defense should make homeland security a primary mission of the Guard."¹¹ However, the definition should maintain the integrity of the warfighting mission of the Army National Guard. To do otherwise would hamper one of the main combat and combat support elements to the Total Army. A strong Army National Guard is a capable and reliable asset for any future overseas wars. The Quadrennial Defense Review for 2001 called for a primary mission of homeland security for the Army National Guard as the Hart-Rudman Commission espoused.¹² Because the Quadrennial Defense Review indicated a primary mission of homeland security for the Army National Guard,

homeland security will be used throughout this paper more than homeland defense. For some in the military and civilian sectors, a primary mission of homeland security for the Army National Guard might be an excuse to call for that to be its only federal mission.

WARFIGHTING MISSION

Our commitment to defending America has evolved over time. During every major war in this country's history the organized militia, the National Guard, has been an active part of the defense of our nation. In the last century, the National Guard sent 18 divisions to fight in World War I, 19 National Guard Divisions in World War II, and all or parts of eight National Guard Divisions to Korea.¹³

A primary mission of the Army National Guard is the warfighting or federal mission.¹⁴ In the author's opinion, the President of the United States indirectly provided credence to this in his State of the Union message. In his widely viewed State of the Union message for 2002, President Bush hinted that the "War on Terrorism" might be taken to North Korea, Iraq, and Iran in the future. This makes it imperative that the Army National Guard maintains its warfighting mission. In some quarters, knowledgeable persons have expressed the desire for a change in the primary mission to only homeland security.¹⁵ If the primary mission of the Army National Guard were only homeland security, this would impact negatively on the ability of the Army to carry out its missions against the countries mentioned in the President's speech. All three countries have relatively large armies. With only a primary mission of homeland security, this might cause a restructuring of the Army National Guard. This could have far reaching ramifications for the Army by reducing the human resources in its supporting reserve force. Of course there are those who believe air power alone can defeat an enemy. However, soldiers need to be on the ground to do the dirty and perilous activities they have accomplished throughout history. Additionally, it is evident that the country might not have any proxy fighters as it had in Afghanistan during Operation Enduring Freedom. To hope for a popular uprising might be wishful thinking. Therefore, it is essential that the Army National Guard retains as a

primary mission, a warfighting combat force. The Army National Guard will provide to the war planners a trained ready reserve force to meet any contingencies.

Lt. Gen Davis expressed his concerns on a possible change in a primary mission from that of an active participant in the Total Force. At the National Guard Association of the United States Executive Council, he stated:

At this week's Fletcher Conference, we heard the opening salvos of the debate regarding the National Guard's (Army and Air) role in our National Security picture. Our present war on terrorism has two fronts. Some are advocating that we rethink the Total Force (integrating the Reserve Forces into the Active Forces) standard, and refocus the National Guard on its traditional domestic militia role. They envision a clear distinction between the active component responsibility overseas and a National Guard responsibility to the homeland. In these turbulent times, this would open the door to an increase in active component end-strength to compensate for the loss of the strategic reserve.¹⁶

Lt. Gen Davis further stated:

It would be a mistake to discard the Total Force policy, for the same reasons it was instituted. It would be an error to throw away the huge full spectrum capability that the National Guard now enjoys, to focus on a single dimension. It would be fiscally irresponsible to give up the cost-effectiveness the National Guard offers our national security picture (particularly in this weakened economy).¹⁷

The Army National Guard having concerns about the Total Force policies is nothing new. It is relevant to review what happened in the 1990s relative to the Total Force/Army policy to show how far we have come. However, the disagreements or rifts between the Active Component and the Army National Guard that decade may be an omen for the future. In the future, there might be proposals to eliminate or weaken the Army National Guard's warfighting mission. Therefore, from a historical perspective, it is important to understand what occurred in the past to properly prepare for the future.

With the future in mind, during the latter part of the 1990s, a rift occurred between the Active Component and the Army National Guard.¹⁸ The disagreement between the two groups became evident to the news media. Editorials and various other articles were written on the subject. Philip Gold of the Washington Times wrote an article explaining the relevance of the

Army National Guard.¹⁹ The article provided some salient points for the Army National Guard to maintain its warfighting mission. To obtain a feel of what was transpiring during that time, a former Defense Department official wrote an article on the rift. His name was John C.E. Tillson, a former official in the Secretary of Defense's office. He published his article in the summer 1997 Joint Forces Quarterly:

Despite success, problems remain. Relations between the Active and Reserve Components are at times dysfunctional, largely because of different cultures. There is an uncertainty about the factors needed to meet the demands of the national strategy. The first step is to change the culture of the Active and Reserve Components to enhance the effectiveness of the Total Force concept. That means influencing the beliefs, values, and wishes of each component with respect to the organization, capabilities, and expertise of the other. Cooperation and trust are central to the total force. But the lack of trust between the Active and Reserve Components is an impediment. The resulting competition is dysfunctional. The next step is to expand total force policy by greater use of Reserve Forces. Employment of them in recent years has been influenced by our experience during the Cold War and in Vietnam. The Cold War threatened national existence and required a large ready force. High readiness led not only to the bias in favor of Active forces but also to providing the Reserve Components with the resources to maintain unprecedented readiness. The decision not to call up the Reserves during Vietnam created an impression that they would be used in a conflict against the Warsaw Pact. The end of the Cold War lifted the threat to national existence, yet the demands on our forces have steadily increased...the decision to mobilize Reserves can enhance links between the Armed Forces and the American people.²⁰

Gradually, the acceptance of the Total Force policy occurred. General Reimer, then Chief of Staff of the Army, published an article on the interdependence of the three components. His diligence and efforts helped to end the discord between the Active Component and the Army National Guard. This article was published in the October 1997 issue of the Armed Forces Quarterly:

(Assessing the rift between the Active Component and the Army National Guard)
My thinking on the issue has been consistent over time. First of all, I am a big proponent of the Total Army. If you look at the way we've constructed the Army, it is very dependent upon all three components. The United States Army consists of the Active Component, U. S. Army Reserve, and the Army National Guard. 54 percent of our force is in the reserve components: about 63 percent of the field artillery is in the Army National Guard; 72 percent of our combat service support units are in the Reserve Component; and 98 percent of our psychological operations and civil affairs units are in the Reserve Components. We must have a heavy investment in those forces-the readiness of the Total Force is extremely

important to us. We must make the commitment to keep the Total Force ready. We cannot go to war as an Active Component alone. I am trying very hard to make sure that everybody understands that I am the Chief of Staff for the Total Army, and I want to bring all components together to leverage the great strength and capabilities that each component has. What I promised them (at the National Guard Convention) is that I would make every effort to do what is right for the Total Army and consequently, do what's right for the nation.²¹

General Reimer made some very strong points for the Army National Guard to maintain its wartime mission. In essence he was saying the Active Component could not fight a major war without the Reserve Component. Has the world changed very much in over five years? Not really, the world has the same asymmetrical terrorist threat now, as it had then. Yes, our nation is fighting a "War on Terrorism." This may imply some changes in the Total Army policy. However, the President of the United States identified three nations as potential targets for the Armed Forces of the United States to fight in this war. With that being said, does a primary mission of the Army National Guard need to be changed from a warfighting reserve force? As General Reimer expressed five years ago, and based on our potential enemies of the future, the warfighting mission of the Army National Guard should not be eliminated.

When looking at the Total Army today, the reliance of the nation on the Army National Guard as a strategic reserve is emphasized with the following percentages of structure residing in the Army National Guard: 54% of the Engineer structure; 53% of Medium Helicopter Companies; 49% of the Air Defense Artillery assets; 70% of the Field Artillery Battalions; and about 56% of the combat structure.²² These percentages indicate the need for the Army National Guard to remain a strategic piece of the Total Army's capability. Without these capabilities, the nation could not adequately pursue the national military strategy. Additionally, the Army National Guard provides cost-effectiveness for the taxpayers through 39 yearly training days (12 weekend drills and 15 days for Annual Training) for most Guardsmen.

After General Reimer retired, General Shinseki became the Chief of Staff for the Army. Under General Shinseki's leadership, the Total Army policy was further enhanced. He planned to align eight Army National Guard combat divisions with active-duty forces.²³ This was a step

in the right direction to ensure the warfighting mission was being supported. Lt. Gen Davis had high praise for General Shinseki for his support of the Army National Guard. He said:

It is so important to apply this tremendous resource that these soldiers represent in a way that is relevant for our nation. I am talking about missioning our National Guard divisions. There is no question in my mind that if we can focus our divisions and enhanced brigades to a mission, it can only improve our readiness and our training. We will provide an expanded capability to the Army that will far exceed its modest cost. Missioning the Guard will remove one of the remaining barriers to full integration on the Army team.²⁴

It is apparent that the warfighting mission of the Army National Guard has served this nation well. The funds, which are saved in having a large and capable reserve force, are important to the taxpayers of this country. The strategy of projecting military power will continue to be a cornerstone of our defense policies,²⁵ especially with the "War on Terrorism." No one has a crystal ball to see what new threats may be on the horizon. So, the nation must be prepared to meet any enemy with vigor and lethality with the Total Army.

The National Guard (Army and Air) is actively participating in deployments for training and contingency operations. The National Guard is averaging: more than 3,700 members a day deployed overseas in support of the warfighting commands; more than 81,000 members a day preparing the Guard for its full range of federal missions; and last year alone, the Guard deployed to more than 89 nations and provided 2,015,270 workdays (5,521 work years) in support of warfighting Commanders-in-Chief (CINC).²⁶ One can see the National Guard is an active participant in its federal or warfighting mission, as it should be. Lt. Gen Davis has spoken of deployments in the aftermath of the evil attack upon America on 11 September 2001. At the National Guard Operations Update, he stated:

(Air Expeditionary Force) AEF/(Stabilization Force) SFOR Rotations: Our focus lately has been our response to September 11th, but I want to remind you that we have ongoing commitments that we are successfully prosecuting around the world as a part of the Total Force. There are thousands of soldiers and airmen meeting the ongoing demands of contingencies, increased operating tempo, and real-world operations as we speak. I just returned from visiting some of our soldiers at the Bosnia SFOR rotation where the 29th Infantry Division led by MG Blum is doing an extraordinary job. You really get a feel for what citizen soldier

means when you see our hometown men and women with foreign mud on their boots in a strange land.²⁷

A prime example of the Army National Guard functioning in a primary mission was during Desert Shield and Desert Storm. The deployment of approximately 63,000 Army National Guardsmen only serves to emphasize the significance of the Total Army accomplishing its mission of defeating the Iraqi army.²⁸ It is important to note, that the war planners realized at the outset of the buildup of troops and supplies the necessity of mobilizing the combat service support units, which were located within the Reserve Component.²⁹ Most of the Guardsmen were in the combat support and combat service support branches and military occupational specialties.

The Quadrennial Defense Review released on 30 September 2001 called for the fighting of two major conflicts plus smaller scale contingencies, peacekeeping operations, and homeland security.³⁰ Even though the Quadrennial Defense Review calls for a large part of homeland security to be for the Army National Guard and Reserves,³¹ it still calls for fighting two major conflicts plus smaller scale contingencies. The critical question is where are the soldiers going to come from if these conflicts materialize? One need think no further than the Total Army. The homeland security and peacekeeping missions are both viable and important. Significantly, the Quadrennial Defense Review did not address the specific federal role for the Army National Guard in homeland security; however, the Department of Defense planned to meet sometime in the future to rectify this.³²

STATE MISSION

The Army National Guard has a dual mission, which is state and federal. If the mission is federal, it is under the control of the President of the United States. The state mission is under the control of the governor. The governor of each state can activate the National Guard for state emergencies, which include: floods, hurricanes, tornadoes, and other disasters.³³ Also, the governors are the Commanders-in-Chief of the National Guard units within their states. The

governor has a military assistant called the Adjutant General who commands the National Guard for the governor. This person is a two-star general. In most states, the governor appoints the Adjutant General; however, in South Carolina and Vermont, they are elected.³⁴ There are 53 Adjutants Generals for the 50 states, Guam, the Virgin Islands, and Puerto Rico. For the District of Columbia, a two-star general is called the Commanding General, instead of Adjutant General. In reference to the state mission, one of the Adjutants General provided some pertinent information. Major General John F. Kane, the Adjutant General of Idaho and President of the Adjutant's General Association of the United States, said, "the National Guard averages over 700 members a day supporting the governors in responding to domestic emergencies."³⁵ Additionally, when the Army National Guard is on state duty, it does not fall under Posse Comitatus. Posse Comitatus is a federal law, which restricts the use of federal troops engaging in police actions. Therefore, the Army National Guard can perform police functions on a state mission in a limited role, if required.

At a Senate Judiciary Hearing, Lt. Gen Davis tells of another aspect of the dual mission. This deals with the statutes or laws that cover the federal and state roles. Lt. Gen Davis stated:

Our dual status has proved to be a particularly useful feature of our organization, permitting National Guardsmen to the Title 10 military source in federal status or Title 32—law enforcement tool while in state status. Guardsmen in state active duty status enjoy an edge, as a domestic forward-deployed force, serving knowledgeably in their communities.³⁶

When the World Trade Center and the Pentagon were attacked on 11 September 2001, some of the first responders were Army National Guardsmen. So, the state mission was executed on that infamous day. Lt. Gen Davis provided further insight on the state mission. At a Veteran's Day Speech, Lt. Gen Davis stated:

In our constitutional system of government, the states are sovereign. The federal government may support a disaster only if the governor invites it, except under rare and unusual circumstances. The National Guard is foremost a state resource and so it is natural that the governor would turn in that direction. As you know, the National Guard responded immediately to the twin disasters at the

World Trade Center and the Pentagon. They were responding to the governor's call, and they did so in a state status, not a federal one.³⁷

Homeland security is a part of the state mission because, with the Army National Guard being located in the community, it can quickly assist the state and local authorities who are normally first responders. From a homeland defense perspective, the governors provide critical infrastructure protection (when needed), information security defense for state government computers, and drug enforcement. The governor may ask for federal assistance in the aforementioned areas. Border security with Mexico and Canada, missile defense, and air defense have federal oversight. Even with a dual mission, one must realize that the federal warfighting mission may take precedence over the state mission during mobilization in response to a national emergency.

LEGAL BASIS FOR THE ARMY NATIONAL GUARD

The legal basis for the Army National Guard is found in the Constitution of the United States. Article I, Section 8, has clauses creating a militia, which is the foundation for the establishment of the Army National Guard. Clauses 14 and 15 establish the right of Congress to call up, organize and discipline the Army National Guard.³⁸ Within the Army's clause of the provision, Congress has the power to declare war, raise armies and the authority to make laws necessary and proper for the implementation of its powers.³⁹ The second amendment to the Constitution deals with the right of the militia to bear arms. This amendment implies that the federal government cannot disarm the militia.⁴⁰

Congressional statutes and laws were passed reinforcing the concept of a National Guard or state militia. One such law was the Militia Act of 1792.⁴¹ This law required able-bodied men between 18-45 to serve, muster, and be equipped at their own expense; this was establishing the idea of a part-time military force.⁴²

It was not until the Twentieth Century that laws were enacted which established the Army National Guard, as we know it today. One of these laws was the National Defense Act of 1903,

which was very significant because it laid the foundation for increased support for the state militias.⁴³ The National Defense Act of 1916 ensured the status of the state militias as the active Army's primary reserve force, gave the state militias the name of National Guard, and the National Guard's mobilization mission for national emergencies.⁴⁴

HOMELAND DEFENSE MISSION

Homeland Defense is emerging as a national priority. It has entered the imagination of the public. American citizens expect an effective deterrent to these threats and an effective coordinated response to rapidly restore services if so attacked. It is part of the national debate on priorities.⁴⁵

Congress and the President of the United States have provided policy and legislation to meet the terrorist threat. Policy to confront the threat was formalized in 1986 with the adoption of the National Security Decision Directive 207, which focused on terrorist incidents outside of the United States.⁴⁶ In June 1995, Presidential Decision Directive 39 explained the responsibilities of federal agencies in combating terrorism, to include domestic incidents.⁴⁷ On 24 March 2000, Pamela B. Berkowsky, Assistant to the Secretary of Defense for Civil Support, and Charles Cragin, Principal Deputy Assistant Secretary of Defense for Reserve Affairs, appeared before the United States Senate Committee on Armed Services. They provided insights into the policies of the government on combating terrorism with a special interest in weapons of mass destruction (WMD). In regards to WMD, the National Guard's Civil Support Teams provide support to civil authorities in WMD. Civil Support Teams will be explained in the latter part of this section of the paper. Because of the terrorist attacks of 11 September 2001, these two former Assistant Secretaries' of Defense comments have extreme pertinence for today. They stated:

Presidential Decision Directive (PDD)-62: (Protection Against Unconventional Threats to the Homeland and Americans Overseas) reaffirmed the United States Counterterrorism Policy in PDD-39 (U.S. Policy on Counterterrorism) and expanded on the need to respond to the growing possibility of asymmetrical assaults on U.S. vulnerabilities at home and abroad through terrorist use of WMD and cyber warfare. Discussion of consequence management in response to a significant terrorist incident was included in PDD-62. Guidance embedded in

PDD-62 provided the basis for all current federal response mechanisms to include the Department of Defense.⁴⁸

The guidance provided in PDD-62 brought the Defense Department in as a full partner in consequence management, which also meant the Army National Guard would be in the picture from a federal perspective. The Army National Guard is unique in regard to consequence management because it is a state and federal asset. Depending on the need, the governor of the state has the option to call out the Army National Guard in an emergency. Consequence management is a key element after a terrorist attack. In that regard, the additional statements are extremely topical from the members of the Secretary of Defense's office under the Clinton administration. Ms. Berkowsky and Mr. Cragin continued their testimony on the Department of Defense's role in WMD consequence management, saying:

In the event of an incident, we recognize that those closest to the problem are going to be the first to respond, but the presumption is that in the event of catastrophic incident, those state and local capabilities may be quickly overwhelmed. If a civilian authority requests federal support, the lead federal agency, FBI or FEMA, is likely to request support from other federal agencies, including DoD. In recognition of that likelihood, and the wake of PDD-62, we have undertaken a number of steps within the Department to address this critical area. First, we have sought to define more clearly what the Department's role should—and should not-be. We do not call consequence management "Homeland Defense," but refer to it as "civil support." This reflects the fundamental principle that DoD is not the lead, but is there to support the lead federal agency in the event of a domestic contingency. Likewise, we are sensitive to the concerns of civil libertarians and others regarding DoD's possible domestic role. Our belief is that the greater threat to civil liberties would be to do nothing at all—to fail to plan and prepare and leave the President with limited options. Four principles will guide DoD's response to the event of a domestic WMD contingency. These have been clearly articulated by the Secretary and the Deputy Secretary of Defense. First, there will be an unequivocal chain of accountability and authority for all military support to civil authorities. Second, DoD's role is to provide support to the lead federal agency. Third, though our capabilities are primarily warfighting capabilities, the expertise that we have gained as a result of the threats we have faced overseas can be leveraged in the domestic arena as well. DoD also brings communications, logistics, transportation, and medical assets, among others that can be used for civil support. Fourth, our response will necessarily be grounded in the National Guard and Reserves as our "forward deployed" forces for domestic operations.⁴⁹

They spelled out the Department of Defense's policy for WMD with the inclusion of the Reserve Component in their last sentence. It must be emphasized that the governor of a state

can call out the National Guard in one of these WMD incidents; however, he cannot call out the Reserves, since they are a federal entity. The policies were in place and appeared to work well in consequence management at the World Trade Center and Pentagon incidents, even though, no WMD were involved. Keep in mind, the National Guard appeared at these incidents in a state status.

From a Congressional perspective, the 1996 Defense Against Weapons of Mass Destruction Act, also known as the Nunn-Lugar-Domenici Act, mandated enhancement of domestic preparedness for responding to terrorist attacks involving weapons of mass destruction (radiological, chemical, biological, and chemical).⁵⁰ In 1997 the Domestic Preparedness Program was initiated to enhance first-responder's training in dealing with WMD incidents.⁵¹ This Act covers the use of consequence management and, to a much lesser degree, crisis management. The FBI is involved in crisis management, whereas FEMA is involved in consequence management. Definitions of these terms are:⁵²

Crisis management includes efforts to stop a terrorist attack, arrest terrorists, and gather evidence for criminal prosecution.

Consequence management includes efforts to provide medical treatment and emergency services, evacuate people from dangerous areas, and restore government services.

In the wake of the horrific terrorist attacks on 11 September 2001, the governors of the states involved called out the National Guard to support the first responders. When President Bush approved an order to call up as many as 50,000 members of the Reserve Component, 9,600 National Guard men and women were already on duty by 14 September 2001.⁵³ The Governor of New York announced that his state's certified Civil Support Team deployed for the first time ever to support the first responders in identifying the hazardous materials related to the World Trade Center disaster.⁵⁴ Approximately, 3,800 Guardsmen were on duty in New York City two days after the terrorist attack.⁵⁵ Maryland and Virginia Guardsmen were called to

provide security at military facilities.⁵⁶ Before the Senate Judiciary Committee Hearing, Lt. Gen Davis spoke about the response of the National Guard. He said:

Your National Guard is responding everywhere in thousands of ways, to the destiny that has been thrust upon us. Within literally hours, National Guardsmen in New York, Virginia, and Maryland were among the first on the scene supporting the responders and civil authorities at the scenes of the disaster. National Guardsmen responded to the recent tragic events by supporting our governors, the several states, territories, and the District of Columbia plus the many other civil authorities in answering the needs of our nation. The National Guard quickly established a shield to reassure American citizens. The National Guard stood shoulder-to-shoulder with civil responders in this crisis, and remains a vital component of the recovery process. We are proud to have been the "bench" for the brave firefighters, EMS, and law enforcement officials at the scene of the disasters. We provided medical personnel to care for the injured, military police to assist local law enforcement officials, key asset protection, transportation, communications, logistics, and a myriad of other support functions. We are making our resources available as needed, to restore order, stability, and safety to our fellow citizens. Our newly certified Civil Support Teams provided WMD support in their operational debut.⁵⁷

Lt. Gen Davis' support for the National Guard's efforts in homeland security manifested itself in the establishment of a National Guard Bureau-Homeland Security office (NGB-HLS) on 21 September 2001. Prior to 11 September 2001, there was no one office at NGB coordinating homeland security actions. A memorandum dated 21 September 2001, entitled, "Establishment of NGB Homeland Security Program," spells out the functions and other relevant data about the new office. It states the following:

The NGB-HLS office, working in concert with the appropriate OSD and Governmental agencies, will coordinate the homeland security functions for the National Guard. The functions include: formulating and overseeing the strategic planning and implementation of the homeland security programs and policies; providing National Guard input on homeland security policies for the Defense Planning Guidance (DPG), the National Security Strategy, the National Military Strategy and the Congressional budget process. The Army and Air National Guard Directorates are responsible for year of execution actions to acquire, manage and distribute resources for homeland security programs. Directors will designate within each division an action officer to serve as a liaison with the NGB-HLS office to coordinate responsibilities for Homeland Security plans, policy, programming, force management, operations, training, readiness, integrated acquisition and logistics, installations, manpower and personnel to ensure they support the National Guard Homeland Security Program and strategic direction.⁵⁸

Even with the establishment of the Homeland Security office, Lt. Gen Davis made clear how he feels about the homeland security mission impacting the warfighting mission. In a National Guard Operations Update dated 2 December 2001. He said:⁵⁹

While we are eager to help, and dedicated to serving America, we need to keep our head in the game and make sure our forces are being used in an appropriate manner. We don't want to be "rent-a-cops" on a permanent basis, nor do we want to allow marginal mission creep to degrade our capabilities. The National Guard is an excellent instrument, but we must be careful to use the tool for the right job. We must strike the right balance of how our force structure can be best used for our dual mission. There is an optimum percentage of our force that is useful for a mission before we begin to move down the other side of the curve.

From a federal perspective of the National Guard's response to 11 September 2001, President Bush approved a call up of 50,000 members of the National Guard and the Reserves for various duties, to include airport security and other missions as required.⁶⁰

The National Guard is working to provide assistance to the Department of Defense for meeting the potential threats posed by terrorists, whether it is missiles, computer network attacks, or WMD. However, the task confronting the Defense Department and the National Guard is a monumental one. The unpredictability and asymmetrical nature of the threat is real. Therefore, cooperation and coordination is essential among military and civilian sectors to be successful against these threats.

Missile Defense is a significant mission for the Department of Defense, especially with the Army National Guard already deployed within the United States. This is a mission in which the Army National Guard could play a vital role once a missile defense system is developed. In the missile defense arena, the Army National Guard needs to be involved in the planning of the force structure needed to man the missile interceptor system.

For information technology defense, the Army National Guard is working to strengthen its defensive posture against computer network attacks. To that end, the Arizona Army National Guard has proposed a State Infrastructure Protection Center, which could be used by all 54 states and territories to assist the federal government in protecting critical infrastructure.⁶¹ The

underlying purpose of this initiative is to develop a state computer emergency response team (CERT) that would channel critical information from the federal government agencies to the state and commercial operators of critical infrastructure.⁶² The long-range goal of the State Infrastructure Protection Center is to serve as a clearinghouse of critical infrastructure protection information relative to protecting the critical infrastructure at the state and local levels that support the Department of Defense's warfighting units, state agencies, and local operators and owners of the critical infrastructures.⁶³

In the areas of chemical, biological, radiological, nuclear, and explosives, Weapons of Mass Destruction-Civil Support Teams (WMD-CST) lead the National Guard's effort. A newspaper article provided insight on the CST's mission by stating, "Teams were first authorized in 1998 after Congress concluded state and local first response organizations lacked the technical expertise to identify and assess chemical and biological agents that might be used in a terrorist attack."⁶⁴ Teams can consist of both Air and Army Guardsmen. Currently, there are 32 CST's in various stages of organization, which are made up entirely of 22 full-time National Guardsmen.⁶⁵ The CST's are specially trained to respond to events involving weapons of mass destruction by providing technical advice, damage assessment, testing for and treating victims of biological and chemical attacks, and identifying what additional state and federal military support is needed.⁶⁶

CONCLUSION

The role of the Army National Guard in homeland security is an intriguing one. The Quadrennial Defense Review did not indicate a specific federal role or mission for the Army National Guard in homeland security. The complexity of deciding on a federal homeland security mission for the Army National Guard is apparent. It appears the reason for not deciding on a federal homeland security mission for the Army National Guard was because of the asymmetrical nature of the threat. It also seems that no clear federal homeland security mission

exists for the Army National Guard, except in the areas of missile defense, information technology defense, and WMD. In the WMD arena, the state mission is also evident. According to Major Pacheco of the 6th Civil Support Team of Texas, "a governor can call out a Civil Support Team for WMD, if a team resides within his or her state." He also stated, "The Emergency Management Assistance Compact agreements among signing states provide for Civil Support Teams to cross state lines to assist requesting states." Nevertheless, Army National Guard support in missile defense, information technology defense, and WMD would not require it to change its current warfighting mission. Additionally, homeland defense, homeland security, and civil support have not been officially defined. So, this adds to the complexity in assigning a specific federal homeland security mission for the Army National Guard. Furthermore, the homeland security mission is an inherent one for the governors of the states. The governors of the states are going to use every agency, to include the Army National Guard, under their control to ensure the protection of their states' citizens. Also, the governors will automatically use the Army National Guard for civil support and homeland defense in their states. As shown in this paper, the Army National Guard's role in homeland security can be either state or federal because of its dual mission. The homeland security mission is connected to the state mission simply because the Army National Guard is deployed in the states under the control of the governor. Even with this dual mission, one must realize that the warfighting mission may take precedence over the state mission during mobilization in response to a national emergency.

However, a faint cry is coming from some in the military and civilian sectors to eliminate the warfighting mission for the Army National Guard leaving only a primary federal mission of homeland security. This cry could reach a crescendo in the future. The Army National Guard's role in national security is an important one as a strategic reserve. When looking at the "War on Terrorism," one can look at it from two viewpoints as far as the Army National Guard is concerned. There are those who are advancing the idea of reevaluating the Total Army concept

of integrating the Army National Guard into the active Army and Army Reserve, and placing the Army National Guard only in a state mission or a federal homeland security mission. These individuals see a clear dividing point in force component structure between the overseas missions and the homeland mission. If this were to happen, the Army's end-strength would have to increase because of the loss in manpower from the Army National Guard supporting the homeland mission. Furthermore, it would be a monumental error to eliminate the Total Army policy. It would be a mistake to discard the capabilities, which are found in the Army National Guard, and leave it with a single federal mission of homeland security. With only a primary federal mission of homeland security, this would ensure a loss in the cost-effectiveness the Army National Guard provides the nation's taxpayers as a strategic reserve.

WORD COUNT=7,894

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